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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wheeler, et al.

Application No.: 09/681532

Filed: 4/24/2001

Title: System And Method For Determining User
Identity Fraud Using Similarity Searching

Art Unit: 2132

Examiner: Venkatanarayanan Perungavoor

Attorney Docket No.: 800529

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR 1.111

Introductory Comments

Dear Sir:

The Applicants thanks the Office for the consideration given the application in the Office communication of November 18, 2004. The Office has rejected claims 12 and 25 as being directed to non-statutory subject matter under 35 U.S.C. § 101. Applicants have canceled claims 12 and 25 and rewritten claims 12 and 25 as new claims 27 and 28 directed to statutory subject matter. Applicants have amended claims 1, 2, 10, 11, 13, 18, 21, 22 and 26. Applicants have also added new claims 29 and 30. No new matter has been added to the specification by these amendments. The Office has rejected claims 1, 3-8, 14-17 and 26 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,774,650 to Chapman et al. Applicants believe that the Office has not established a *prima facie* case for anticipation, since there are patentably distinguishable claimed features between the invention represented by these claims and reference disclosure of Chapman et al. The Office has also rejected claims 2, 9-11, 13, and 18-24 under 35 U.S.C. § 103(a) as being unpatentable over Chapman et al. (U.S. Patent No. 5,774,650) in view

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of U.S. Patent No. 6,026,398 to Brown et al. Applicants believe that the Office has not established a *prima facie* case for obviousness, since the prior art references of Chapman and Brown, when combined, do not teach or suggest all limitations of these claims. Entering of the following amendments, reconsideration and reexamination of the application is requested.